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OFFICE OF PETITIONS

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In re Patent No. 7,542,920	:
Issued: June 2, 2009	: DECISION ON PETITION
Application No. 09/628,773	: FOR PATENT TERM ADJUSTMENT
Filed: June 29, 2000	:
Attorney Docket No. 101156-5006-US	:

This is a decision on the PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(d) filed on July 22, 2009, requesting that the patent term adjustment be corrected from 542 to 1425 days.

The request is **DISMISSED**.

Patentees are advised that § 1.705(d) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the patent. See § 1.702-1.705. Moreover, § 1.705(d) provides that:

If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

An application for patent term adjustment under § 1.705 (b)(1) must be accompanied by:

(1) The fee set forth in § 1.18(e) ...

Neither the fee under § 1.18(e) nor a general authorization to charge any required fees, accompanied the request. Accordingly, the request is dismissed for failure to comply with the requirement of paragraph (b)(1) to submit the fee under §1.18(e).

In view thereof, it is concluded that the determination of Patent Term Adjustment of five hundred forty-two (542) days will not be reconsidered until such time as a proper application for Patent Term Adjustment has been submitted.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

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